

United States v. Payton Gendron

22-CR-109-LJV

**DEFENDANT'S
EXHIBIT A**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-CR-109 (LJV-HKS)

PAYTON GENDRON,

Defendant.

SUPPLEMENTAL PROTECTIVE ORDER GOVERNING
DISCOVERY MATERIAL TO BE PROVIDED TO
VICTIMS' LEGAL TEAMS

1. The Court has before it the Motion of Defendant to modify the September 16, 2022, Protective Order Governing Discovery in this case for purposes of releasing limited discovery to counsel for the victims.

2. Upon the motion of the Defendant, pursuant to Federal Rule of Criminal Procedure 16(d) and 18 U.S.C. §§ 3771(a)(1) and 3771(a)(8), it is hereby ORDERED:

3. Disclosure of the limited discovery materials set forth in Paragraph 4 (below) will be restricted to the “victims’ legal team.” The “victims’ legal team” is limited to attorneys expressly retained to represent victims and surviving family members in connection with this case and any individuals working in collaboration with or under supervision of the victims’ attorneys including paralegals, investigators, experts, and computer forensic consultants. Victims’ legal team members shall not disclose discovery materials or their contents, directly or indirectly, to any persons outside the victims’ legal team, except as specifically set forth below.

4. Among the discovery material obtained and produced by the government in the above captioned case are forensic images of defendant’s digital devices including his cellphone,

laptop computer and desktop computer as well as social media data relating to defendant's computer files, text messages, emails, and social media accounts and his activities on various social media platforms ("Social Media Data"). The digital forensic evidence, including forensic digital images of these three devices and related Social Media Data, is voluminous and cannot be practically reviewed without the use of a secure review platform.

5. The victim's legal team shall be permitted access to the following discovery material: forensic images of defendant's digital devices including his cellphone, laptop computer and desktop computer as well as Social Media Data. Victims' legal teams are permitted to load copies of this material to a secure platform and may review said discovery for the purpose of investigating matters related to their representation of the victims in this case and related civil litigation stemming therefrom. The victims' legal team shall use a data vendor that meets with ISO27001 and SOC2 standards concerning data privacy and security.

6. The victims' legal counsel shall inform any victim team members to whom disclosure of discovery materials is made of the existence and terms of the original Protective Order Governing Discovery as well as this Supplemental Protective Order and shall obtain a signed acknowledgement by each victim legal team member.

7. Any discovery materials that the victims' legal team intends to file with a court in connection with civil proceedings, or any other matters, shall be filed under seal and shall remain sealed until otherwise ordered by this Court.

8. At the conclusion of this criminal matter or any related civil action, including any appeals or post- conviction proceedings, the victims' legal team shall return to the United States Government all discovery materials and any copies thereof.

9. This Protective Order shall survive the termination of this case.

DATED:

IT IS SO ORDERED.

H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF NEW YORK